

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Ligan Avenue, 65' W of * DEPUTY ZONING COMMISSIONER
the c/1 of Alma Avenue * OF BALTIMORE COUNTY
(2108, 2110, 2112 and 2114 * Case No. 89-343-SPH
Alma Avenue)
15th Election District
7th Councilmanic District
The Whistler Corporation
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the four dwellings described herein on the subject property as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. & Mrs. Howard W. Ramsay, President and Secretary, respectively, appeared, testified, and were represented by Westin A. Park, Esquire. Estelle Johnson, a nearby resident, appeared as an interested party. There were no Protestants.

Testimony indicated that the subject property, known as 2108, 2110, 2112 and 2114 Alma Avenue, also known as Elma Avenue, consists of 0.66 acres zoned D.R. 5.5, and is improved with four single family dwelling units. Petitioners testified they purchased the property in November 1988 and that at the time of purchase, the property was described as Lots 42 and 43 of Section A, Chesapeake Terrace. The property is located within the Chesapeake Bay Critical Areas and abuts Jones Creek. Testimony indicated that Petitioners are in the process of rehabilitating the subject dwellings and upon requesting building permits were advised they must establish the nonconforming use of the four dwelling units on the property. Testimony presented by Petitioners indicated that all four dwellings have existed on the property since 1932. Petitioners indicated that they had been advised that all properties had been occupied continuously and

without interruption but for a change in tenancy since their construction. To support Petitioners' position, Petitioners submitted an affidavit of Herman J. Raitt, confirming the existence of the four single family dwelling units on the subject property since 1935.

Mrs. Johnson testified at the hearing that she or her family have either resided or been personally familiar with the subject property since the late 1950s, early 1960s. She indicated that since that time, the properties have been occupied continuously and without interruption.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kohl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1949); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue."

use, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of

the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

It is clear the use of the subject property known as 2108, 2110, 2112 and 2114 Alma Avenue as four single family dwelling units has not changed since at least 1935 and pre-dates the 1945 zoning regulations. Therefore a nonconforming use exists. The uncontradicted testimony indicates the use of the property as four single family dwelling units has been continuous and without interruption since approximately 1932.

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the four dwellings that presently exist on the property described herein shown and on the attached plat as being a legal, non conforming use with regard to density, setbacks, and zoning regulations in general.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of the above Special Hearing advertising, posting, etc. upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	THE WHISTLER CORPORATION
Signature	(Type or Print Name)
Address	BY: Howard W. Ramsay, President
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
Westin A. Park	151 W. Lafayette Ave. (301) 685-4110
(Type or Print Name)	Address
Signature	Baltimore, Maryland 21217
Address	City and State
111 S. Calvert Street, Suite 1400	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland 21202	Name
City and State	Address
Attorney's Telephone No.: (301) 783-6359	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of March, 1989, at 1:30 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R. In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is

compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of March, 1989 that the Petition for Special Hearing to approve the nonconforming use of the four dwellings described herein on the subject property as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 11, 1989, attached hereto and made a part hereof.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 587-3333
J. Robert Haines
Zoning Commissioner

March 13, 1989

Westin A. Park, Esquire
111 S. Calvert Street, Suite 1400
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
N/S Ligan Avenue, 65' W of the c/1 of Alma Avenue
(2108, 2110, 2112 and 2114 Alma Avenue)
15th Election District - 7th Councilmanic District
The Whistler Corporation - Petitioners
Case No. 89-343-SPH

Dear Mr. Park:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

cc: Ms. Estelle Johnson
2124 Alma Avenue, Baltimore, Md. 21219

People's Counsel

File

Chesapeake Bay Critical Areas Commission
Taves State Office Building, D-4
Annapolis, Maryland 21404

ORDER RECEIVED FOR FILING
Date 3/13/89
By J. Robert Haines

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By J. Robert Haines

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Date 3/13/89
By J. Robert Haines

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Date 3/13/89
By J. Robert Haines

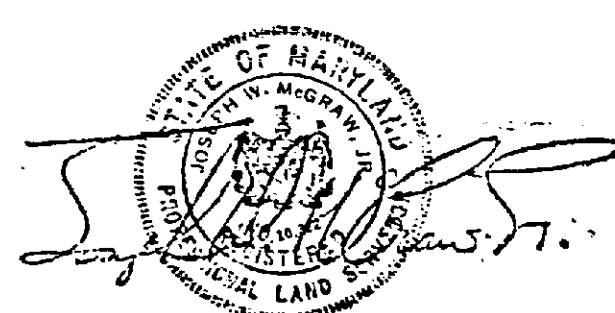
J.S. Engineering Co., Inc.
PROFESSIONAL LAND SURVEYORS
3612 Mary Avenue
Baltimore, Maryland 21206
444-8848

DESCRIPTION

0.668 +/- Acre Parcel on the north side of Ligan Avenue, 50' west of Alma Avenue, 15th Election District, Baltimore County, Maryland.

Beginning at a point in the center of Ligan Avenue, 50 feet west of the intersection of the centerline of Ligan Avenue and the west side of Alma Avenue. Running thence in the center of Ligan Avenue 1.) North 87 degrees West 100.00 feet. Thence running 2.) North 03 degrees East 228.29 feet to Jones Creek. Thence running on Jones Creek 3.) North 70 degrees 08 minutes 33 seconds East 1.16 feet, 4.) North 60 degrees 47 minutes 57 seconds East 15.10 feet, 5.) North 50 degrees 50 minutes 02 seconds East 15.08 feet, 6.) North 42 degrees 27 minutes 58 seconds East 15.00 feet, 7.) North 41 degrees 39 minutes 03 seconds East 15.10 feet, 8.) North 35 degrees 30 minutes 13 seconds East 15.12 feet, 9.) North 31 degrees 57 minutes 26 seconds East 15.00 feet, 10.) North 33 degrees 56 minutes 05 sec 3s East 15.22 feet, 11.) North 30 degrees 20 minutes 01 sec 3s East 16.03 feet, 12.) North 18 degrees 03 minutes 59 seconds East 2.64 feet, 13.) North 18 degrees 16 minutes 09 seconds East 15.03 feet, 14.) North 19 degrees 12 minutes 07 seconds East 14.99 feet, 15.) North 18 degrees 13 minutes 42 seconds East 15.00 feet, and 16.) North 16 degrees 48 minutes 55 seconds East 14.98 feet. Running thence 17.) South 73 degrees 14 minutes 01 seconds East 6.82 feet, 18.) South 15 degrees East 8.00 feet and 19.) South 03 degrees West 374.67 feet to the place of beginning.

Containing 0.668 +/- Acres of Land. The improvements being known as #'s 2108, 2110, 2112 & 2114 Alma Avenue.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Posted for: Special Hearing
Petitioner: The Whistler Corp.
Location of property: N/S Ligan Ave, 50' W Alma Ave
2108, 2110, 2112, 2114 Alma Ave
Location of Sign: 15th Election District, 111 W. Chesapeake Avenue
Remarks: No property of Baltimore
Posted by: Michael A. Park
Number of Signs: 1
Date of Posting: 2/5/89
Date of return: 2/10/89

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 9, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 9, 1989.

THE JEFFERSONIAN

S. Zeke Orlean
Publisher

89-343-SPH
price \$43.34

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

February 9, 19 89

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case #89-343-SPH - P.O. #09644 - Req. #M25239 - 97 lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 10th day of February 19 89; that is to say, the same was inserted in the issues of Feb. 9, 1989

Kimbel Publication, Inc.
per Publisher.
By: E. C. Rube

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 21st day of December, 19 88.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Howard W. Ramsay
Petitioner's Attorney: Westin A. Park
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 065911

DATE: 2/4/89 ACCOUNT: 01-615
AMOUNT: \$ 106.84
RECEIVED FROM: Donald K. King
FOR: Perry + Park for 89-343-SPH
B 014*****106842 8246F
VALIDATION OR SIGNATURE OF CASHIER

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date Receipt FEE
Day Month Year Number TYPE Identification Number Council District Election District Zip Code
3/8/89 28805761004 01-615 715 31052
Petitioner: The Whistler Corporation
(Last) (First) (Middle Initial)
Property Address: 2112 and 2114 Alma Avenue
(Number) (Street)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 8, 1989

Westin A. Park, Esquire
111 S. Calvert Street, Suite 1400
Baltimore, MD 21202

RE: Item No. 243, Case No. 89-343-SPH
Petitioner: Howard W. Ramsay
Petition for Special Hearing

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Dear Mr. Park:
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosure

cc: Mr. Howard W. Ramsay
The Whistler Corporation
151 W. Lafayette Avenue
Baltimore, MD 21217

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 2/21/89

The Whistler Corporation
151 W. Lafayette Avenue
Baltimore, Maryland 21217

ATTN: HOWARD W. Ramsay, President

Re: Petition for Special Hearing
CASE NUMBER: 89-343-SPH
N/S Ligan Avenue, 50' W c/l Alma Avenue
2108, 2110, 2112, and 2114 Alma Avenue
15th Election District - 7th Councilmanic
Petitioner(s): The Whistler Corporation

HEARING SCHEDULED: FRIDAY, FEBRUARY 24, 1989 at 9:30 a.m.
Sentiment:

Please be advised that \$46.84 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs
cc: Westin A. Park, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

January 23, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-343-SPH
N/S Ligan Avenue, 50' W c/l Alma Avenue
2108, 2110, 2112, and 2114 Alma Avenue
15th Election District - 7th Councilmanic
Petitioner(s): The Whistler Corporation
HEARING SCHEDULED: FRIDAY, FEBRUARY 24, 1989 at 9:30 a.m.

Special Hearing Approval of the four dwellings that presently exist on the property described herein and shown on the attached plat as being a legal, nonconforming use with regard to density, setbacks, and zoning regulations in general.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: The Whistler Corporation
Westin A. Park, Esq.
Chesapeake Bay Critical Area Commission
File

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

January 17, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 199, 205, 209, 237, 238, 239, 240, 241, 243, 244, 245, 246, and 247.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE

APPLICANT INFORMATION
 NAME: Whistler Corporation
 ADDRESS: 151 W. Lafayette Avenue
 PHONE: 212-17 MHC LICENSE: N/A

PERMIT # 8
 RECEIPT # 1
 CONTROL # 1
 XREF # 1

PROPERTY ADDRESS: 2112 Alma Avenue
 SUBDIV: Chesapeake Terrace
 TAX ACCOUNT # 1502-570150 DISTRICT/PRECINCT: 15 F-34
 OWNER'S INFORMATION (LAST, FIRST): 15 F-34
 NAME: Whistler Corp. c/o Howard Ramsay
 ADDRESS: 151 W. Lafayette Avenue

APPLICANT INFORMATION
 NAME: Whistler Corporation
 ADDRESS: 151 W. Lafayette Avenue
 PHONE: 212-17 MHC LICENSE: N/A

APPLIED: 1
 ISSUED: 1
 OCCUPANCY: 1

INSPECTOR: JG

BUILDING BOCA CODE: 1 OF 2 F.A.M. CODE: 1

TYPE OF IMPROVEMENT
 1. NEW BLDG CONSTRUCTION
 2. ADDITION
 3. ALTERATION
 4. REPAIR
 5. REMOVAL
 6. OTHER

TYPE OF USE
 RESIDENTIAL
 1. ONE FAMILY
 2. TWO OR MORE FAMILIES
 3. FIVE OR MORE FAMILIES
 4. SWIMMING POOL
 5. OTHER

TYPE OF FOUNDATION
 1. SLAB
 2. BLOCK
 3. CONCRETE

TYPE OF CONSTRUCTION
 1. MASONRY
 2. BRICK
 3. CONCRETE
 4. OTHER

TYPE OF HEATING FUEL
 1. GAS
 2. OIL
 3. COAL
 4. OTHER

TYPE OF SEWAGE DISPOSAL
 1. PUBLIC SEWER
 2. PRIVATE SEWER
 3. OTHER

TYPE OF WATER SUPPLY
 1. PUBLIC
 2. PRIVATE
 3. OTHER

TYPE OF MATERIALS AND FINISHES
 1. EXISTING
 2. NEW

TYPE OF GARAGE DISPOSAL
 1. YES
 2. NO

TYPE OF LOT SIZE AND SETBACKS
 1. LOT SIZE: 12.5' x 100'
 2. FRONT SETBACK: 10'
 3. REAR SETBACK: 10'
 4. SIDE SETBACK: 10'

APPROVAL SIGNATURES
 DATE
 1. Howard Ramsay 1/30/89
 2. Whistler Corp. 1/30/89
 3. Howard Ramsay 1/30/89
 4. Whistler Corp. 1/30/89

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND. Case # 89-343 NO PERMIT FEES REFUNDED

APPLICANT INFORMATION
 NAME: Whistler Corp
 ADDRESS: 151 W. Lafayette Avenue
 PHONE: 212-17 MHC LICENSE: N/A

PERMIT # 8
 RECEIPT # 1
 CONTROL # 1
 XREF # 1

PROPERTY ADDRESS: 2112 Alma Avenue
 SUBDIV: Chesapeake Terrace
 TAX ACCOUNT # 1502-570150 DISTRICT/PRECINCT: 15 F-34
 OWNER'S INFORMATION (LAST, FIRST): 15 F-34
 NAME: Whistler Corp. c/o Howard Ramsay
 ADDRESS: 151 W. Lafayette Avenue

APPLICANT INFORMATION
 NAME: Whistler Corp
 ADDRESS: 151 W. Lafayette Avenue
 PHONE: 212-17 MHC LICENSE: N/A

APPLIED: 1
 ISSUED: 1
 OCCUPANCY: 1

INSPECTOR: JG

BUILDING BOCA CODE: 1 OF 2 F.A.M. CODE: 1

TYPE OF IMPROVEMENT
 1. NEW BLDG CONSTRUCTION
 2. ADDITION
 3. ALTERATION
 4. REPAIR
 5. REMOVAL
 6. OTHER

TYPE OF USE
 RESIDENTIAL
 1. ONE FAMILY
 2. TWO OR MORE FAMILIES
 3. FIVE OR MORE FAMILIES
 4. SWIMMING POOL
 5. OTHER

TYPE OF FOUNDATION
 1. SLAB
 2. BLOCK
 3. CONCRETE

TYPE OF CONSTRUCTION
 1. MASONRY
 2. BRICK
 3. CONCRETE
 4. OTHER

TYPE OF HEATING FUEL
 1. GAS
 2. OIL
 3. COAL
 4. OTHER

TYPE OF SEWAGE DISPOSAL
 1. PUBLIC SEWER
 2. PRIVATE SEWER
 3. OTHER

TYPE OF WATER SUPPLY
 1. PUBLIC
 2. PRIVATE
 3. OTHER

TYPE OF MATERIALS AND FINISHES
 1. EXISTING
 2. NEW

TYPE OF GARAGE DISPOSAL
 1. YES
 2. NO

TYPE OF LOT SIZE AND SETBACKS
 1. LOT SIZE: 12.5' x 100'
 2. FRONT SETBACK: 10'
 3. REAR SETBACK: 10'
 4. SIDE SETBACK: 10'

APPROVAL SIGNATURES
 DATE
 1. Howard Ramsay 1/30/89
 2. Whistler Corp. 1/30/89
 3. Howard Ramsay 1/30/89
 4. Whistler Corp. 1/30/89

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND. Case # 89-343 NO PERMIT FEES REFUNDED

Baltimore County Zoning Office
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Gentlemen:

At the request of Howard and Janice Ramsay I executed an affidavit which indicated that I had personal knowledge of the fact that the improvements consisting of four residential dwellings located on the land which is the subject matter of a special zoning hearing were built around 1935. Apparently, a special zoning Commissioner has now asked for a letter regarding the basis for my sworn statement expressing my willingness to testify regarding the date when these buildings were built.

I have lived in, or around Chesapeake Terrace since prior to 1935, and I have watched the area develop. It is my specific recollection that the four buildings located at 2108 through 2114 Alma Avenue were built in the mid 1930's. Therefore my personal observations over a 50-year period are the basis of my ability to be able to provide a sworn statement to Howard and Janice Ramsay regarding the date of the construction of these buildings.

Very truly yours,

Howard J. Ramsay

RECEIVED
 FEB 27 1989

ZONING OFFICE

NILES, BARTON & WILMER

WASHINGTON, D. C. 20006
 1400 LEGG MASON TOWER
 111 S. CALVERT STREET
 BALTIMORE, MARYLAND 21202-3200

February 17, 1989

Mr. James B. Dyer
 Chairman
 Zoning Plans Advisory Committee
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Item No. 243, Case No. 89-343-SPH
 Petitioner: Howard W. Ramsay
 Petition for Special Hearing

Dear Mr. Dyer:

Thank you for your letter of February 8th enclosing the December 29, 1988 comments of the Baltimore County Fire Department with regard to the zoning on the captioned property.

Please accept this letter as a response to the Fire Department's comments for placement in the file prior to the February 24, 1989 hearing. It is The Whistler Corporation's understanding, verified by its on-site inspection and Baltimore County's Public Works Drawings, that a fire hydrant is located within 600 feet of the existing dwellings on the property. The fire hydrant is located on the West side of Alma Avenue North of the junction of Alma and Lincoln Avenues. As the requested zoning seeks merely permission to maintain dwellings already located on the property, no new public roads will be constructed. The existing panhandle driveway is approximately 20 feet in width and has already supported heavy equipment; however, The Whistler Corporation will insure that the crusher run ultimately placed on the driveway will be of sufficient depth to support 50,000 pounds of fire apparatus. Any rehabilitation of existing structures on the property will comply with the applicable portions of the Fire Prevention Code and the applicable requirements of the National Fire Protection Association Standard No. 101 (1976 Edition). My letter to Capt. Joseph Kelly of the Baltimore County Fire Department confirming our understanding in that regard is attached.

For Hearing
 Tomorrow
 Jan

Mr. James B. Dyer
 Page 2
 February 17, 1989

I again request that the Office of Planning and Zoning's records, including the records on this hearing, be corrected to show that the petitioner is The Whistler Corporation. I have previously confirmed with Donna Thompson of the Zoning Office that this had been done, and that the spelling of the petitioner's name had been correctly placed on all official documents and records.

Thank you very much for your cooperation in this matter.

Very truly yours,
Howard W. Ramsay
 Howard W. Ramsay

WAP:hmk

NILES, BARTON & WILMER

WASHINGTON, D. C. 20006
 1400 LEGG MASON TOWER
 111 S. CALVERT STREET
 BALTIMORE, MARYLAND 21202-3200

February 21, 1989

Capt. Joseph Kelly
 Planning Group
 Special Inspection Division
 Baltimore County Zoning Plans
 Advisory Committee
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Item 243, Case No. 89-343-SPH
 Petitioner: Howard W. Ramsay
 Petition for Special Hearing

Dear Capt. Kelly:

This refers to your letter of December 29, 1988 addressed to J. Robert Haines, Zoning Commissioner. In reviewing your comments regarding this special hearing request, I noticed that one of your requirements is the placement of fire hydrants at intervals of 600 feet along an approved road, in accordance with Baltimore County standards. The Whistler Corporation has located, and the public works drawings of the County confirmed, the existence of a fire hydrant on the West side of Alma Avenue at or North of its junction with Lincoln Avenue. This fire hydrant is within 600 feet of each of the existing structures located on The Whistler Corporation's property. I believe you have discussed this matter with Janice Ramsay from the company, and that you are now satisfied that the installation of no new fire hydrants is required. If this is the case, will you please so advise Mr. Haines so that the file which goes to the special hearing will be complete with regard to this issue.

No new public roads will be constructed to service the rehabilitated project. Access to the dwellings will be provided by a private driveway which Critical Area Management has indicated has to be crusher-run due to its proximity to the water. Heavy equipment has already been on-site using a private roadway, and has had no difficulty with ingress or egress. I trust these facts will satisfy your concerns with regard to roadways.

Capt. Joseph Kelly
 Page 2
 February 21, 1989

As you previously discussed with Mrs. Ramsay, the existing structures located on the company's property will be completely rehabilitated in accordance with Baltimore County Code requirements. The County will, of course, be inspecting this rehabilitation work during its progress. These inspections will insure that any applicable fire code requirements for these structures will be met. I would trust that this satisfies the other requirements mentioned in your December 29, 1988 letter.

I thank you for your prompt response to the Zoning Commissioners and I am sure The Whistler Corporation looks forward to cooperating with you during the course of this project.

Very truly yours,

Weston A. Park

WAP:hmk

THE WHISTLER CORPORATION

151 W. Lafayette Avenue
 Baltimore, Maryland 21217
 (301) 685-4110

Re: 2108, 2110, 2114 Alma Avenue
 Baltimore, Maryland 21219

To Whom It May Concern:

In return for permission granted to approve building permits for construction prior to the outcome of the petition for special hearing for the above-referenced property, it is hereby agreed that in the event that said special hearing is not granted via the zoning commissioner or subsequent appeals, we, Howard W. Ramsay and Janice N. Ramsay, dba The Whistler Corporation, owners of the subject property, agree herewith to return all revised construction to its original state thereby accepting the full responsibility for any loss of monies resulting from returning said properties to their original state.

Dated: 1/30/89 BY: Howard W. Ramsay
Howard W. Ramsay, President
 Dated: 1/30/89 BY: Janice N. Ramsay
Janice N. Ramsay, Secretary

FW/LTR1.18

PETITIONER(S) SIGN-IN SHEET

NAME _____

ADDRESS

Howard W. Kousar

151 W Lafayette Ave 21217

John H. Brown

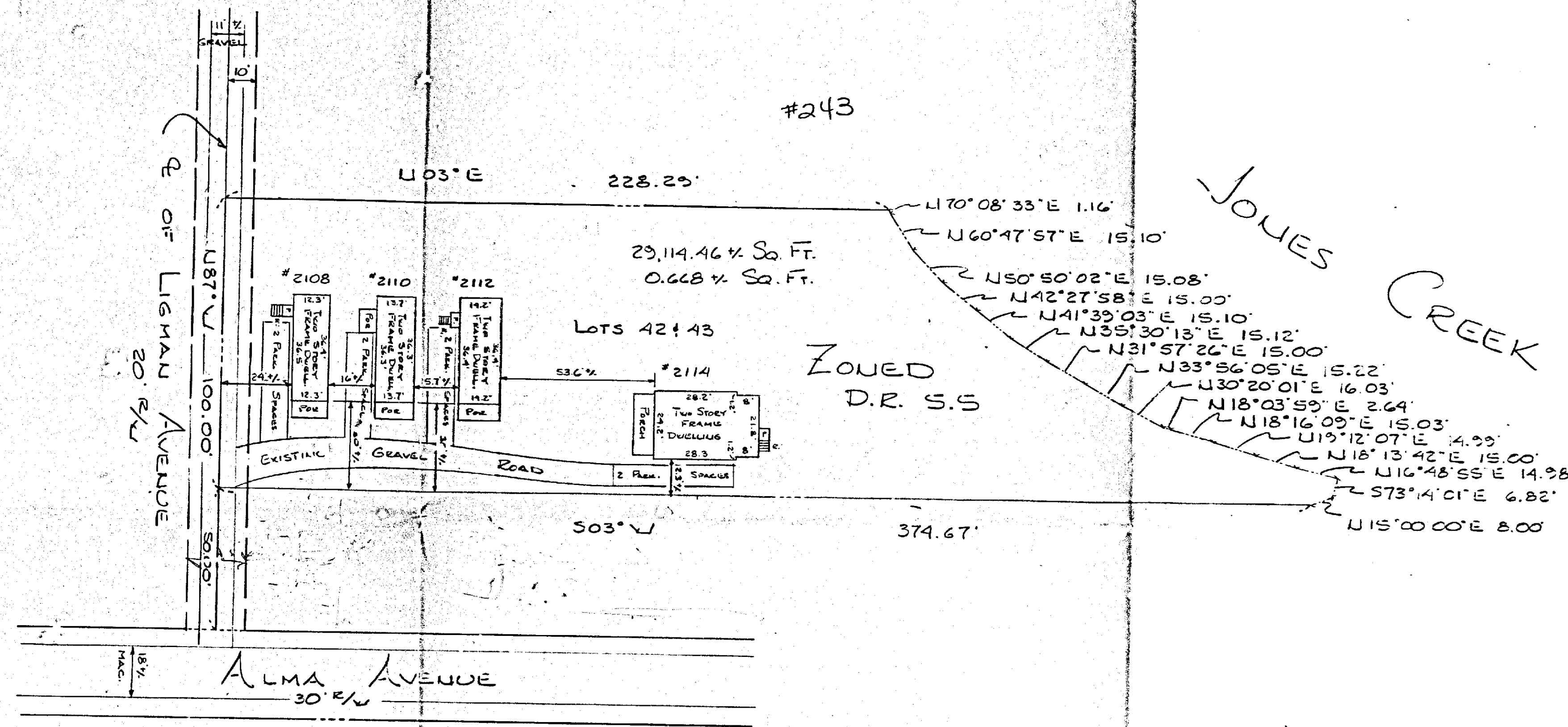
151 W. Lafayette Ave 21217

By Att. John

2124 Alma Ave 21219

Waste Pick

$\frac{41}{3}$
 $\frac{88}{5}$



NOTES

1. PROPERTY SHOWN IS LOTS 42 & 43, SECTION 1, CHESAPEAKE TERRACE, S/34.
2. PROPERTY SHOWN AND ALL SURROUNDING PROPERTY IS ZONED R.C. S.S.
3. PROPOSED ZONING IS R.C. S.S.
4. AREA = 0.668 +/- ACRES
5. DWELLING UNITS ALLOWED: $\frac{0.668}{S.S} = 3$ 67 DWELLING UNITS
6. DWELLING UNITS PROPOSED: 1 DWELLING UNITS
7. DWELLING UNITS EXISTING: 1 DWELLING UNITS
8. PROPOSED USE: PRIVATE RESIDENTIAL CONDOMINIUMS.
9. NUMBER OF PARKING SPACES REQUIRED: 2 SPACES/UNIT = 8 SPACES
10. NUMBER OF PARKING SPACES PROPOSED: 8 SPACES.

VICINITY SKETCH
SCALE: 1"=1000'

PLAT TO ACCOMPANY THE REQUEST FOR
A SPECIAL ZONING HEARING
FOR

*S 2108, 2110, 2112 : 2114 ALMA AVENUE
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE : 1" = 30' DATE : 11-11-88

SE 7 H

88274

